

9 Sec. 15. (1) Prior to acceptance of a plea of guilty or
10 nolo contendere to any offense punishable as a crime under state
11 law, except offenses designated as infractions under state law, the
12 court shall administer the following advisement on the record to
13 the defendant:

14 IF YOU ARE NOT A UNITED STATES CITIZEN, YOU ARE HEREBY
15 ADVISED THAT CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE
16 BEEN CHARGED MAY HAVE THE CONSEQUENCES OF REMOVAL FROM
17 THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT
18 TO THE LAWS OF THE UNITED STATES.

19 (2) Upon request, the court shall allow the defendant
20 additional time to consider the appropriateness of the plea in
21 light of the advisement as described in this section. If, on or
22 after the effective date of this act, the court fails to advise the
23 defendant as required by this section and the defendant shows that
24 conviction of the offense to which the defendant pleaded guilty or
25 nolo contendere may have the consequences for the defendant of
26 removal from the United States, or denial of naturalization
27 pursuant to the laws of the United States, the court, on the
1 defendant's motion, shall vacate the judgment and permit the
2 defendant to withdraw the plea of guilty or nolo contendere and
3 enter a plea of not guilty. Absent a record that the court
4 provided the advisement required by this section, the defendant
5 shall be presumed not to have received the required advisement.

6 (3) With respect to pleas accepted prior to the effective
7 date of this act, it is not the intent of the Legislature that a
8 court's failure to provide the advisement required by subsection
9 (1) of this section should require the vacation of judgment and
10 withdrawal of the plea or constitute grounds for finding a prior
11 conviction invalid. Nothing in this section, however, shall be
12 deemed to inhibit a court, in the sound exercise of its discretion,
13 from vacating a judgment and permitting a defendant to withdraw a
14 plea.

15 Sec. 16. The Legislature finds and declares that in many
16 instances involving an individual who is not a citizen of the
17 United States and who is charged with an offense punishable as a
18 crime under state law, a plea of guilty or nolo contendere is
19 entered without the defendant knowing that a conviction of such
20 offense is grounds for removal from the United States, or denial of
21 naturalization pursuant to the laws of the United States.

22 Therefor, it is the intent of the Legislature in enacting this
23 section to promote fairness to such accused individuals by
24 requiring in such cases that acceptance of a guilty plea or plea of
25 nolo contendere be preceded by an appropriate warning of the
26 special consequences for such a defendant which may result from the
27 plea. It is also the intent of the Legislature that the court in

1 such cases shall grant the defendant a reasonable amount of time to
2 negotiate with the prosecuting agency in the event the defendant or
3 the defendant's counsel was unaware of the possibility of removal
4 from the United States, or denial of naturalization as a result of
5 conviction. It is further the intent of the Legislature that at
6 the time of the plea no defendant shall be required to disclose his
7 or her legal status to the court.